

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID CHRISTENSON, et al.,

Plaintiff(s),

v.

**TELEPHONE CONFERENCE Re: Motion for
Extension of Time**
Case No. 20-C-194

ALEX AZAR,

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: April 7, 2020
Deputy Clerk: Cheryl

Time Called: 10:00 a.m.
Time Concluded: 10:32 a.m.
Tape: 040720

Appearances:

Plaintiff(s): Robert Pledl and James Pistorino

Defendant(s): Christian R. Larsen

Mr. Pistorino requests permission to appear without admission. He is having difficulty getting notarization due to the pandemic crisis. The Court grants permission. Mr. Pistorino explains the issue of Plaintiffs continuously having to apply for Medicare. Plaintiffs are receiving treatment at the generosity of the health provider, therefore, the case needs to move forward without delay. Defendant has information and there is no reason for delay.

10:04 a.m. - Mr. Larsen states that they can't accommodate moving the case forward as quickly as the plaintiffs would like at this time. Mr. Larsen believes the record is 5,000 pages. The record could be filed with the court rather quickly. Once the record is filed, it is possible to file motions for summary judgment sooner. Mr. Larsen would still like 60 days to respond.

10:08 a.m. – Mr. Pistorino responds and opposes both the extension of time to respond to the complaint and time to respond to the motion for summary judgment. Mr. Pistorino explains that it is a simple estoppel issue.

10:11 a.m. – Mr. Larsen does not oppose filing motions for summary judgment before the answer but, would like 60 days to respond.

The Court inquires if the plaintiffs are receiving treatment. The Court and Mr. Pistorino discuss treatment, and funding for the treatment. The Court inquires as to expedited relief. Mr. Pistorino states they have litigated before the Secretary before and wanted to avoid procedural objections and additional delays. Mr. Pledl states it was not practical or possible to file a motion for temporary order or preliminary injunction. The motions would have to be tailored to the 7th Circuit.

10:24 a.m. – The Court and parties discuss Medicare appeals process and judicial review. The Court invites Plaintiffs to file their motion for summary judgment. The Court will review the motion on an expedited basis. The Court directs defendant's response within 21 days. Plaintiffs' reply due within 14 days of response. The Court denies the motion for extension of time to file response to complaint.